

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GUSTAVO ALVIZAR,

Case No. 3:18-cv-00425-HDM-CBC

v

Petitioner:

ORDER

STATE OF NEVADA, et al.,

Respondents.

16 This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,
17 by Gustavo Alvizar, who is apparently incarcerated in Arizona, and who apparently has
18 a Nevada second degree murder conviction. Alvizar initiated this action on August 31,
19 2018, by filing an application to proceed *in forma pauperis* (ECF No. 1), along with his
20 habeas corpus petition (attached to application to proceed in forma pauperis at ECF No.
21 1-1).

22 The financial information submitted with the application to proceed *in forma*
23 *pauperis* indicates that Alvizar is unable to pay the filing fee for this action. Therefore,
24 the *in forma pauperis* application will be granted, and he will not be required to pay the
25 filing fee.

1 The Court has examined Alvizar's petition, pursuant to Rule 4 of the Rules
2 Governing Section 2254 Cases in the United States District Courts, and determines that
3 it merits service upon the Respondents, and a response.

4 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed *in Forma*
5 *Pauperis* (ECF No. 1) is **GRANTED**. Petitioner is granted leave to proceed *in forma*
6 *pauperis*. Petitioner will not be required to pay the filing fee for this action.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately file the
8 petition for writ of habeas corpus, which is currently attached to the *in forma pauperis*
9 application, at ECF No. 1-1.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul
11 Laxalt, Attorney General of the State of Nevada, as counsel for Respondents.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve
13 upon Respondents a copy of the petition for writ of habeas corpus, and a copy of this
14 order.

15 **IT IS FURTHER ORDERED** that Respondents shall have 90 days from the date
16 of entry of this order to appear in this action, and to answer or otherwise respond to the
17 petition.

18 **IT IS FURTHER ORDERED** that, if Respondents file an answer, Petitioner shall
19 have 60 days from the date on which the answer is served on him to file and serve a
20 reply. If Respondents file a motion to dismiss, Petitioner shall have 60 days from the
21 date on which the motion is served on him to file and serve a response to the motion to
22 dismiss, and Respondents shall, thereafter, have 30 days to file a reply in support of the
23 motion.

24 Dated this 6th day of September, 2018.

Howard D McKibben

**HOWARD D. McKIBBEN,
UNITED STATES DISTRICT JUDGE**